

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

**RONNIE LATIOLAIS, Individually and
On Behalf of All Others Similarly Situated**

PLAINTIFF

vs.

No. 5:19-cv-5006-TLB

**SPO NETWORKS, INC., KENDRA
SMITH and DELMER TOM SMITH**

DEFENDANTS

**AMENDED MOTION FOR DEFAULT JUDGMENT AS TO SPO NETWORKS, INC.
AND MOTION FOR CONTINUANCE**

COMES NOW Plaintiff Ronnie Latiolais ("Plaintiff"), by and through his attorneys Daniel Ford and Josh Sanford of Sanford Law Firm, PLLC, and for his Amended Motion for Default Judgment ("Motion") and Motion for Continuance against Separate Defendant SPO Networks, Inc. ("Defendant"), he does hereby state and allege as follows:

1. The purpose of this amendment is to correct the damage calculations previously submitted to this Court, which had been calculated pursuant to a misunderstanding between Plaintiff and his attorneys as to the number of hours worked. This misunderstanding was just discovered during additional preparations for the default judgment hearing currently scheduled. Amended damage calculations are attached hereto as Exhibit A, and the changes are explained in the accompanying brief in support.

2. Plaintiff also moves for a continuance of the default judgment hearing currently scheduled for January 15, for two reasons.

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Amended Motion for Default Judgment as to SPO Networks, Inc.
And Motion for Continuance

3. First, the currently scheduled hearing does not give sufficient time for Defendant SPO Networks, Inc., should they receive service of these pleadings at any of the three addresses at which Plaintiff serves them (by certified mail, with return receipt requested), to prepare a response or properly prepare for the hearing.

4. Secondly, in the time since this hearing was scheduled, the Court of Appeals for the Eighth Circuit has scheduled oral argument in St. Louis in a case in which both of Plaintiff's counsel of record need to attend. See *Craig Coates, et al. v. Dassault Falcon Jet Corp.*, 19-2167 (8th Cir. 2019).

5. Mr. Sanford will be delivering the oral argument, but Mr. Ford has been the principal attorney on the case since its inception in 2017 and is necessary for preparation purposes.

6. Continuing the hearing scheduled for January 15 would serve the dual purposes of allowing Defendant sufficient time to respond, if they are to respond, and prepare for the hearing, and allowing Plaintiff's counsel to attend its other obligations, which cannot be continued or rescheduled.

7. This Motion for Continuance is made in good faith and not for the purpose of delay.

8. By this Motion, Plaintiff seeks a total default judgment in an amount to be determined at a hearing on damages, but which include actual damages in the form of unpaid wages plus liquidated damages as well as costs and reasonable attorneys' fees under the Fair Labor Standards Act (FLSA) and Arkansas Minimum Wage Act (AMWA).

9. Plaintiff filed this lawsuit on January 8. See ECF No. 1, Original Complaint – Class and Collective Action.

10. Plaintiff served Defendant with a Summons and copy of the Complaint on January 17. See ECF No. 6 (showing process server's declaration that service occurred on January 17).

11. Defendants' deadline for filing and serving an Answer or Motion to Dismiss was February 7.

12. As of the filing of this Motion, Defendant has failed to plead or otherwise defend in this case.

13. Defendants are in default. See ECF No. 14 (Clerk's entry of default as to Defendant).

14. Plaintiff incorporates herein his Brief in Support of Amended Motion for Default Judgment (ECF No. 27).

15. As proof of damages, Plaintiff hereby attaches Exhibit A, Declaration of Ronnie Latiolais, along with the calculation of damages.

16. As explained more fully above, Plaintiff requests a new hearing date for purposes of establishing their damages under the FLSA and AMWA.

WHEREFORE, premises considered, Plaintiff Ronnie Latiolais respectfully requests this Court grant this Motion; enter a default judgment against Defendant SPO Networks, Inc., in an amount to be determined at a hearing on damages, plus costs and a reasonable attorney's fee, to be determined after the filing of a motion by Plaintiff in accordance with the Federal Rules of Civil Procedure; for a continuance of the currently scheduled hearing on damages; and for all other good and proper relief to which they may be entitled, whether or not specifically requested herein.

Respectfully submitted,

**PLAINTIFF RONNIE LATIOLAIS,
Individually and On Behalf of All
Others Similarly Situated**

SANFORD LAW FIRM, PLLC
One Financial Center
650 South Shackleford Road, Suite 411
Little Rock, Arkansas 72211
Telephone: (501) 221-0088
Facsimile: (888) 787-2040

Daniel Ford
Ark. Bar No. 2014162
daniel@sanfordlawfirm.com

Josh Sanford
Ark. Bar No. 2001037
josh@sanfordlawfirm.com

CERTIFICATE OF SERVICE

I, Josh Sanford, do hereby certify that on the date imprinted by the CM/ECF system, a true and correct copy of the foregoing MOTION was served via Certified U.S. Mail, return receipt requested, on this January 9, 2020, on the following:

SPO Networks, Inc.
c/o Asa Hutchinson III
912 West Central Avenue
Bentonville, Arkansas
72712

SPO Networks, Inc.
c/o Bill Cunetta
210 SE 34th St. #2
Bentonville, AR 72712

SPO Networks, Inc.
c/o Asa Hutchinson III
World Trade Center
3300 Market Street Suite 404
Rogers, AR 72758

/s/ Josh Sanford
Josh Sanford